THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7598 of 2007

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the petitioner as eligible and entitled for promotion to the post of Headmaster, in first respondent-School, as per his qualification and seniority.

The grievance of the petitioner is that though he is the senior most Teacher working in first respondent-School and fully qualified and eligible for promotion to the post of Headmaster, his case was not considered on the ground that he did not possess B.Ed. qualification. According to the petitioner, as per various Orders issued by Government, Pandit Training qualification is equivalent to that of B.Ed. qualification and since he is a Telugu Pandit, he is fully qualified and eligible to hold the post of Headmaster, whereas, respondents have appointed junior to the petitioner as Incharge Headmaster.

A detailed counter affidavit has been filed by the first respondent stating that the post of Headmaster has fallen vacant from 1.5.2000 due to retirement of incumbent. It cannot be said that the institution can run efficiently without the Headmaster. The administrative functions that are necessarily to be discharged by the Headmaster are very essential and as such the post cannot be kept vacant, till such time, a regular incumbent is selected. Thus, the first respondent had to necessarily make Incharge arrangement to fill up the vacancy till such time the regular appointment is made in accordance with the extant rules. Since Smt.D.Kanaka Durga, has been functioning as a School Assistant from a date earlier than petitioner and she is senior to the petitioner, she was appointed as Incharge Headmaster. Therefore, the action of the first respondent in appointing Smt.Kanaka Durga to discharge the duties of Headmaster cannot be said to be either arbitrary or illegal. Further, there

is a ban on recruitment of regular Headmaster.

Heard both sides.

I am of the opinion that even in case of appointment of Incharge Headmaster, seniority has to be followed strictly and qualified senior most person shall be appointed as Incharge Headmaster.

In view of the above, without expressing any opinion on merits, the first respondent is directed to consider the case of petitioner along with others for being appointed as Incharge Headmaster by putting the petitioner and others on notice and hearing them, if necessary, and pass appropriate orders as per law furnishing reasons therefor, within a period of (8) weeks from the date of receipt of this order and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 14.12.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7598 of 2007

14.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.7598 of 2007

Date: 14th December, 2007

Between:

P.V.Bharadwaja

.. Petitioner

And

The Secretary and Correspondent,
Vidyabhavardhini Sangham A.V.V. High School (Aided),
Bapatla, Guntur district & another.

.. Respondents